DEMANDS FOR SUPPLEMENTARY GRANTS.

DEMAND II—TAXES ON INCOME.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Sir, I beg to move for a grant not exceeding Rs. 1,504 under Demand II—Taxes on Income. As you will observe, the amount is required for two purposes—partly for the purchase of some commentaries on the Income Tax Regulation for the use of our collectors and partly for the payment of fees to the Sirkar Vakils for arguing cases before me on behalf of the Sirkar. As regards the purchase of books on income tax for the use of collectors, I do not think that there is any necessity for me to make a long speech to convince this House of the need for reference books to those who administer law, and especially to those who have to work the Income Tax Regulation. The income tax law is a very difficult and complicated piece of legislation. It has been newly introduced in our State. Many fresh questions of law and also of procedure crop up for decision every day, and they have to be decided judicially. Any incorrect interpretation of a provision of this intricate law is bound to result either in the loss of revenue legitimately due to the Government or in oppression to the public.

Unlike other branches of law, it is very difficult to get at decided cases on income tax. Only very few cases are taken to the High Courts of British India, England or the Colonies; and consequently reported cases on income tax are necessarily very few.

I may say that I am glad to note that complaints about the working of the Income Tax Regulation are becoming very much less owing to the fact that officers are becoming more acquainted with the income tax law, and such complaints as I have received this year are generally due entirely to ignorance and not wilful arbitrary acts; and if collectors had only been supplied with commentaries before this, a lot of these complaints would not have occurred. We want to work the Regulation with as much tact as possible, and also with as little inconvenience to the public as possible.

To guide the collectors in their very difficult work of working the income tax rules and deciding appeals, it was my original proposal to put into the hands of all our income tax officers two important recent publications (Commentaries on the Government of India Act, XI of 1922, by the late Mr. P. Doraswami Aiyangar and by Mr. A. V. Visvanatha Sastri). The former costs about Rs. 12 to Rs. 15 and the latter costs Rs. 6.

I think our financial position this year may not permit us to purchase these two books for the collectors all at once, and therefore the present proposal is to purchase only one book (the commentary by Mr. Doraswami Aiyangar). The book has been prepared with the decided object that it should be of use to income tax officials. It contains all the rules issued by the Board of Inland Revenue with copious extracts from the proceedings of the Legislative Assembly and of the Council of

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State, relating to income tax. The author has also embodied in the work almost all the English and Indian decided cases having any bearing on the provisions of the Act.

I firmly believe that the book will be of immense use to the income tax officers of the State and consequent benefit to the public and request that the Council will whole-heartedly sanction the supplementary grant demanded on this account.

We now turn to the second portion of my request, *viz.*, remuneration to Sirkar Vakils appearing before the Income Tax Commissioner.

I shall, at the outset, frankly place before the House the circumstances which necessitated the appearance of the Sirkar Vakils before me in certain income tax cases.

Ever since it pleased the Government of His Highness the Maha Raja to appoint me Income Tax Commissioner, and to confer on me the duties of the chief revenue authority, it has been my sincere wish to work the Income Tax Regulation smoothly and at the same time efficiently. When deciding appeals or review petitions under the Act, I have tried to be always dispassionate. I desired to hear every case without any bias either in favour of the Government or against it. The gravity of the position has been brought home to me day after day. Learned lawyers appeared for assessees. Legal opinion from experts, solicitors and chartered accountants from England and other parts of the world were freely laid before me to prove—to put it mildly—that our collectors, just beginning to understand the principles and practice of Income Tax Law, were not acting in accordance with the law. At the same time assessees are at full liberty to try and get all the concessions and exemptions they can.

I recognised only too well the responsibility of a "tribunal whose duty it was to mete out justice." I must act judicially. To be brief, I found it difficult to be both the Crown Advocate and the Judge.

In this connection I would invite the attention of the House to a portion of the speech delivered at the last budget session of the Council by Mr. T. K. Velu Pillai, who is also a member of the Finance Committee. He said :

"I have observed, however, on several occasions the Income Tax Commissioner labouring under a serious disadvantage, when qualified competant Vakils, who are very familiar with the faces of the case, appear before him on behalf of assessees. The Income Tax Commissioner does not get a presentation of the point of view of Government from anybody; so that he has to be a judge and a party at the same time. I think some means could and should be found by which the rights of the Government might be properly represented before the Income Tax Commissioner when he deals with important questions."

I may here inform the House that in Mysore provision is made for the Crown to be represented by the Sirkar Vakil or, as he is called there, "the Government Advocate." His salary is Rs. 500 to Rs. 700 and he is allowed extra fees for income tax cases.

Accordingly I moved the Government to depute a competent Sirkar Vakil to appear and argue income tax cases before me.

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[Mr. Joseph Panjikaran.]

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : I wish to know from Mr. Robinson whether the appearance of Sirkar Vakils was solicited under appeals arising under Sections 21 and 22 of the Income Tax Regulation.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*) : I do not see the applicability of the question.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : That is only a request for information.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Not only under those Sections.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : For appeals, under what other Section was the Sirkar Vakil requested to appear ?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*) : Section 22 deals with the hearing of petitions.

PRESIDENT : What does Section 21 deal with ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Presentation of appeal petitions.

PRESIDENT : Presumably under that Section.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Only under that Section ?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*) : No.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Will he specify any other Section ?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I want a little time for answering that question.

It was found that according to their contract with the Government the Assistants attached to the Head Sirkar Vakil's office are only expected to appear in certain particular courts and not outside. Sirkar Vakils are not full-time officers of Government. Their emoluments are fixed on a valuation of the services they render to the Government. They are employed to do all Government work of the kind entrusted to them in particular courts. They are not expected to, nor need they render service elsewhere than in the particular court to which they are attached. If they are required to do such work, it is extra work that they are called upon to perform, and they have the right to claim separate remuneration for it ; and if not agreed upon, they are not bound to accept the work. These are the terms and understanding under which the Sirkar Vakils have accepted office. The result is that, if a Sirkar Vakil is asked to appear in an income tax case, he will have to be given separate remuneration.

MR. JOSEPH PANJIKARAN (*Shertallai*) : Who is to fix the remuneration to be given to the Sirkar Vakil for each case ?

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MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I presume, the Government.

MR. JOSEPH PANJIKARAN (*Shertallai*): Not the Commissioner, I believe?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): No.

I may also inform this House of the views of the Assistant Head Sirkar Vakils themselves on the question. They say that they are quite contented with their private practice and the Government work now entrusted to them, and pray that they should not be saddled with this additional work of income tax, even on payment of remuneration.

PRESIDENT: May I draw your attention to the time?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I may here add, and I am sure those members on the other side of the House who belong to the legal profession will quite agree with me, that we should retain one man for all Sirkar cases.

Under the above circumstances, Government sanctioned the deputation of an Assistant Head Sirkar Vakil to argue before me *important and intricate cases*—I may emphasise the words *important* and *intricate*—and not as a matter of course. His remuneration was proposed to be Rs. 75 per case but subsequently cut down by the Government and fixed at only S. Rs. 50 for each case, irrespective of the number of appearances he may be required to put in for any particular case. It was proposed to try this scheme for some time. Mr. Sundararaja Aiyangar's services have already, prior to my application to the Government for this grant, been required for ten cases and he will have to be given Rs. 500. He has, however, since applying for the above grant, appeared in another important case relating to the liability of Edappalli to pay income tax. I may also add that, when several cases raise one and the same point, he is only asked to appear in one case, and by degrees, as all these points are raised and disposed of, his services will be less required. He had to spend a great deal of time in not only going through the records of these cases from each collector's office, but also in finding out rulings on the points from various courts all over the world. Each of the important income tax cases takes up a gigantic space of a man's time.

The House has also accepted the principles of the scheme. I request the House to consider all these facts and not to stint this expenditure but to sanction the demand in whole. It will cost the country and taxpayer very much more if we have to engage a separate vakil for the Crown in income tax cases exclusively.

An objection that may perhaps be brought against this proposal is that Section 50 of the Income Tax Regulation empowers the chief revenue authority to refer doubtful cases to the High Court, and that, therefore, when a doubt presents itself to the Commissioner, the case may be sent to the High Court. I would point out that a Judge when taking up a case has to start with an absolutely open mind, and he can

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[Mr. P. K. Narayana Pillai.]

only come to a decision after hearing the *pros* and *cons* of the case argued out. It is only after hearing the case that doubts may arise, and it is only then that the question of reference to the High Court comes in.

In the argument stage of the case, the Crown should be properly represented, and the Judge should not be forced to look for objections in the arguments of one side. We also constantly need legal advice in matters which are not connected with an appeal. It has also to be noted that it is not every question of doubt that may be taken to the High Court. The Section says that, if in the course of any assessment under the Income Tax Regulation or any proceeding in connection therewith a question has arisen with reference to the interpretation of any of the provisions of the Regulation or any rules thereunder, the same may be referred to the High Court. Such questions have to be referred and I do refer them to the High Court; but other questions, both of law and fact, crop up not only in the disposal of appeals, but in the administration of the department, on which it is necessary to have legal opinion before one can impartially decide the matter. I think the best and cheapest arrangement for the Crown and the taxpayer under the circumstances is the one already followed. I can also assure the House that, if the Government could possibly avoid giving extra remuneration, they would have done so. Government try and get all the work possible out of their officers and I am sure the House will, after hearing what I said, agree with me. I therefore request that the Council will grant the demand.

MR. A. HOOGEWERF (*Nominated*): I beg to know whether, if the Sirkar Vakil appears before the Dewan Peishkar, he will be paid.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): They have not appeared hitherto. I do not think it is necessary to answer that question because the grant refers only to the payment of fees to Sirkar Vakils appearing before me.

MR. A. HOOGEWERF (*Nominated*): I beg to know whether, if a Sirkar Vakil appears before the Dewan in revenue cases,—

PRESIDENT: There is no analogy between revenue cases and income tax cases.

MR. A. HOOGEWERF (*Nominated*): In income tax as well as revenue cases—

PRESIDENT: That is not relevant to this question.

May I take it that the House sanctions this supplementary grant?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I beg to oppose the demand.

The demand in question comprises two heads. The first, about which the Land Revenue Commissioner was more sanguine, relates to

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the supply of books to income tax officers. What the Land Revenue Commissioner proposes to supply to his subordinates is the commentary not upon the Income Tax Act parallel to what we have got in Travancore, but the commentary on a subsequent modified Income Tax Act that now prevails in British India.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I ask Mr. Narayana Pillai whether he has appeared in any income tax case?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Yes, I have.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commisioner*): May I ask whether he has made use of Mr. Doraswami Aiyangar's commentary?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I do use all available books on the subject.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Then why does he object to the use of Mr. Doraswami Aiyangar's commentary on the British Indian Act?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am not insisting that it should not be used. If only the Income Tax Commissioner will be good enough to listen to me, he will find the point of my objection.

In view of the amended British Indian Act upon the subject of income tax, it was suggested in this House that there was a necessity to amend the law in practice and bring it into line with the law in British India. The commentaries referred to by Mr. Robinson being commentaries on up-to-date law in British India, if they are placed in the hands of the subordinate officers here, I fear there is a likelihood of their confounding that law with the existing law in Travancore.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I know whether there are any points of difference between the two laws?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): There are numerous points of difference.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I know what they are?

PRESIDENT: You cannot ask him to enumerate all the differences.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I have the chief points?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The officers in the subordinate ranks are likely to confound the law.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Are not the officers and the subordinate collectors that Mr. Narayana Pillai refers to, men with long magisterial experience, and why should they confound and mix up the law?

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[Mr. P. K. Narayana Pillai.]

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If they are such clear-headed people, even with the bare Act, they are not likely to lead themselves to any ridiculous position. Evidently the insistence of Mr. Robinson raised an apprehension in my mind that, without the assistance and the light of a commentary, the subordinates could not get on with the income tax administration. The provisions of the Income Tax law are clear on this. It was his urging the necessity of the Income Tax Act commentaries that created the trouble in my mind that these people, with the assistance of commentaries, would misdirect themselves on various points, and I thought it better not to supply a commentary of an Act not in operation in Travancore. I would, therefore, request Mr. Robinson to wait and see that the Income Tax Regulation is brought into line with the income tax law in British India, and then to supply the commentary to his subordinates, and not to call for a supplementary grant at this stage of income tax administration in Travancore. This is all that I have to say with regard to the first part.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I know whether he has perused these commentaries?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Yes, I have.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Has he found out that these commentaries point out the differences between the old and the new law?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): They may.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I know if he has read Mr. Doraswami Aiyangar's commentary?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I have not read Mr. Doraswami Aiyangar's commentary, but I have read Mr. Visvanatha Aiyar's commentary.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Does he not point out the differences?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Yes, he does. He quotes also the parallels in other countries, so much so that the bewilderment is sufficient to confound our income tax officers. That is my apprehension.

Coming to the second part of the question, I find it betrays not only a difficulty to concede the grant, but also an illegal practice resorted to by the Land Revenue Commissioner. For, referring to Sections 21 and 22 of the Income Tax Regulation, which are the two main Sections under which appeals may be presented to the Income Tax Commissioner, we may say that there is absolutely no provision made in those Sections to hear the Government view on the subject. All that two Sections demand is that the petitions presented by the persons assessed should be disposed of by the Income Tax Commissioner.

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MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Since the law does not provide for hearing them in person, is there any objection to receive petitions from them?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): You can hear the arguments in person.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Not in the interests of justice?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The interests of justice have to be kept in view by the Income Tax Commissioner alone.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Can we get justice by hearing only one side?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If the law says that is the sort of justice to be given, then that is justice.

MR. S. C H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Does the law say that the officer should hear only one side?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The law provides under Sections 21 and 22—

PRESIDENT: The law does not prohibit the other side being heard.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If it does not prohibit it, it would have contemplated the issue of notices to the other side, the adjournment of the case, etc. We do not see all these provided for.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I ask whether Mr. P. K. Narayana Pillai was in the Legislative Council when this Act was passed?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am really sorry I was not; if I were, I would have pointed out the difficulty.

Since the law does not countenance or provide for it, it is not obligatory on the officer to Hear the opposite side. There are various Statutes like that. For example, under the Land Acquisition Regulation, it is not obligatory on the officer to hear the opposite side. The law invests the officer who hears the appeals with authority to do the needful in the matter. He represents the Government and he is also the judge as regards the assessing. Such being the case, if the Land Revenue Commissioner has thought of resorting to hear extraneous arguments, it is an illegal practice which should be put a stop to at the earliest possible opportunity. In pursuance of that illegal practice, Mr. Robinson wants also that some money should be given to those persons who have been indulging in such illegal practice. It is extremely difficult to concede the grant called for, as the Assistant Sirkar Vakil or Head Sirkar Vakil certainly ought to have known the law and seen that Mr. Robinson's notice was drawn to the law upon the subject. So it is extremely difficult for this House

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[Mr. P. K. Narayana Pillai.]

to be persuaded to concede the grant so earnestly and seriously moved by Mr. Robinson. I am submitting whether, after all, the decisions themselves which have been passed after hearing the Sirkar Vakils have been legally arrived at. That is a question which has yet to be examined. So far as the law as codified in the Income Tax Regulation goes, no whisper may be seen as to the necessity of hearing any other party than the assessee. No doubt, the arguments of the Sirkar Vakil would have been of considerable use to Mr. Robinson. He probably would have been quite a good judge himself without those arguments. My experience, as I think is the experience of Mr. Velu Pillai, is that he is a very fair judge, and I am fully willing to concur in the view of Mr. Velu Pillai. So I am submitting that, even without the arguments of the Head Sirkar Vakil, who has been conniving at this illegality, Mr. Robinson would have been able to decide.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*) : May I ask whether he is right in placing a judicial officer in the position of having to judge without hearing both sides?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The Land Revenue Commissioner decides a number of cases without hearing the Sirkar.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I think I drew a difference between simple cases and intricate cases.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : That may be. A number of cases have been disposed of by the Land Revenue Commissioner without hearing the opposite side. He could certainly have written to the Sirkar Vakil for the necessary legal instruction.

Then with respect to the position of Mr. Robinson as a judicial officer, he is a judicial officer of a peculiar variety. He is not a judicial officer like the one under the Civil Procedure Code or the Criminal Procedure Code, but under a fiscal law. We have got, for example, the Revenue Recovery Regulation, and the Land Acquisition Regulation. They are modelled upon a different basis. The Government trust to the fairness of the officer. The decision of the officer cannot be questioned by the Government themselves. In like manner it must be with the Income Tax Regulation. An appeal by the assessee alone could be provided for.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Does Mr. P. K. Narayana Pillai think that, because there is no provision for an appeal by the Government, the Government should not be properly and fairly represented, so that the views of the Government may not be lost in coming to a decision?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): It may be necessary to hear the Government. But let him provide for that in an amended regulation. Till then, how is it possible for Mr. Robinson to

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hear the arguments of the Government? The objection is that there is no provision of law. The proceedings are controlled by the Income Tax Regulation and nothing else. Such being the case, he should not have heard the arguments of any person under the proceedings before him; and to say that such person should also be paid for this illegal act is adding insult to injury. So I am opposing the grant on these considerations.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I just want to reply to Mr. P. K. Narayana Pillai because he said that Mr. Robinson was encouraging an illegal practice, and the Head Sirkar Vakil was conniving at it. I may point out to Mr. Narayana Pillai that the Income Tax Commissioner, when hearing an appeal, is a judicial officer.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Also a revenue officer.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): At the time of hearing the appeal, he is a judicial officer, just as a Dewan Peishkar is a judicial officer when he is a Magistrate. When he, as a judicial officer, exercises the function, I believe it is an elementary principle of law that he should administer justice. The case being between the Crown and the assessee, if the assessee places his arguments for being exempted from a particular liability for payment of income tax, it is equally incumbent upon the Crown to say that the person is liable. Therefore, apart from any other provision of law, I say that it is the inherent power of any court to hear both parties, and that inherent power has not been taken away by any provision of the Regulation. In such circumstances, the rule that will ordinarily apply is that a thing should be deemed to be permitted unless it is prohibited by Statute. I may point out to him the analogy of the Criminal Procedure Code. If we turn over the leaves of the Criminal Procedure Code, we will find that the District Magistrate is not bound to give notice to the complainant. The complainant need be given notice only in compoundable cases and what are known as summons cases. In all other cases, he is not bound to give notice. Mr. Narayana Pillai knows that every complainant engages a vakil; and my friend Mr. Narayana Pillai might have himself appeared before a District Magistrate in many such cases. He might have found that the District Magistrate hears both sides before he disposes of an appeal.

MR. P. K NARAYANA PILLAI (*Ambalapuzha*): May I know whether provisions as to appeals in the Criminal Procedure Code are parallel to the provisions in the Income Tax Regulation?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The question is whether the person who has been successful in the lower court should be heard. The principle is the same, *viz.*, that the complainant is heard. In a warrant case before the District Magistrate, both sides are heard and that practice has not been objected to by the High Court. I do not see what illegality there is. I do not think that there is any question for the Head Sirkar Vakil to give his legal opinion as

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[Mr. T. K. Velu Pillai.]

regards the practice of Mr. Robinson as Land Revenue Commissioner. That is the only ground taken by Mr. Narayana Pillai for objecting to the grant, and I believe that the illegality is not apparent.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I am glad that the Income Tax Commissioner has realised the necessity for purchasing necessary books for the use of his subordinates. In 1097, when we were discussing the budget for 1098, I had occasion to observe that the sum of Rs. 100 budgeted for the Land Revenue Department was too small; and, therefore, I am particularly happy that the Revenue Department recognises the necessity for providing officers with suitable books. But I am sorry to observe that the Income Tax Commissioner is unwilling to ask for a larger amount, though he recognises the necessity of purchasing a sufficient number of copies of another book. I may tell you, Sir, that I consider the Travancore Government rich enough to buy books. And if for the reason that our financial position is not strong—a statement which is not true—if for that reason, books are not given to the officers, I think the Government cannot congratulate themselves. A few hundreds of rupees must always be found for the purchase of books which are considered necessary by the Head of the Department. I am, therefore, sorry that I cannot congratulate Mr. Robinson on his modest demand.

Mr. Narayana Pillai raised the point that, after all, Mr. Doraswami Aiyangar's book might not be useful in Travancore, because our law of income tax collection is different in certain essential particulars from the law which obtains in British India. All the same, the parallel cases collected in that book will be of great use; and because the Income Tax Regulation is worked by experienced officers—Magistrates and Tahsildars—I think they will be able to use Mr. Doraswami Aiyangar's book very well. My only complaint is that the other book referred to by Mr. Robinson should not also have been indented for. I hope the mistake will be rectified at least at the time of the budget. One point, however, strikes me. How has it been possible for the officers hitherto to work the Income Tax Regulation if they have no knowledge of the Regulation and no reference books to consult?

PRESIDENT: They must have been borrowing books from their vakil friends. (*Laughter.*)

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): That is a very good explanation. But it is well known that only those living in the town of Trivandrum and the District court centres that will get these books. In other places they cannot find good law libraries. I fear these officers of the Income Tax Department have been working the law in the way they like. I am glad that the mistake is about to be rectified.

With regard to the second part of the demand, which is for an amount to be disbursed to the law officers of Government for appearing before the Income Tax Commissioner on behalf of the Sirkar, I beg to

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point out that the amount cannot be granted. I admit that I raised the point during the time of the budget, and I adhere to what I said then. And there I differ from my friend Mr. Narayana Pillai. I think that, when the assessee is given the right, at least by usuage, to put his case before the Income Tax Commissioner by a vakil, it is equally necessary—

MR. JOSEPH PANJIKARAN (*Shertallai*) : Is it only by usage?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*) : Yes, by law and usage.

That there should be another vakil to represent the Government. The Income Tax Commissioner is, after all, only a revenue officer of Government. He has to take care of Government interests also in deciding questions raised by the parties. Any omission to do this will be ultimately to the detriment of the people.

MR. JOSEPH PANJIKARAN (*Shertallai*) : Are the Government interests allied to injustice?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*) : I am sorry my friend has misunderstood me. I do not think that the interests of Government can be allied to injustice. All that I said was that, if an officer decided a case, his vision to a very great extent would be clouded, if to a certain extent he was a party and to a certain extent he was a judge.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Will the Land Revenue Commissioner cease to take care of Government interests if a vakil is employed?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*) : That is a question which has to be asked of the Land Revenue Commissioner. I shall not be in order if I answer it. But, of course, I may draw certain conjectures. But my conjectures will not answer my friend. Therefore I shall not answer. I leave it to Mr. Robinson.

The proposal is that the Sirkar Vakil who is in the employ of the Government be given a fee. I quite appreciate the argument that the terms of the appointment of these officers do not constrain them to do of what this. But, being Government servants, they will take a reasonable view the Government ask them to do. We find the work of officers in other departments being added to by Government. And officers do not, therefore, say that, because such work was not in the original agreements between themselves and the Government, they would not do it. I have not come across any instance of that kind. I think the sense of duty of the Sirkar Vakils will induce them to accept the new position given to them by the Government; so that it is a very simple matter to request them—a mild request would be enough—to look to these matters also.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : May I ask Mr. Velu Pillai whether Law Lecturers are not Government servants?

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[Mr. T. K. Velu Pillai.]

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): No.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): And whether they may be asked to appear in income tax cases?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I am really sorry for my learned friend who cannot find a distinction between the words Law Lecturer and Sirkar Vakil. I am a Law Professor myself and if the University insists that a new subject should be added to the curriculum, I shall be most happy to teach it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): In the class?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Yes. Therefore I must say that, as I am not a servant of Government, and as my function is not to appear for Government in Courts, it is quite open to me to refuse, and I think Mr. Subba Aiyar will not raise that point again. But if I were a Sirkar Vakil like my friend Mr. Subba Aiyar and if I had been receiving payment from the Government of Travancore for a number of years, I should certainly not refuse to work. The parallel suggested is not correct and I must only express my surprise at the false analogy that has been pushed before the Council by no less a lawyer than Mr. Subba Aiyar. If the terms of agreement are not adequate, the Government have only to address the Sirkar Vakils on this question and request them that they may look after these cases also. It has been said that the Sirkar Vakils will put forward the plea that they should not be asked to do this. It is usual for some officers in the Travancore Government service to be glad if they have got nothing to do, so that, for the simple reason that they prefer to be left alone, the Council ought not to—

PRESIDENT: They said that they would be glad to be left alone, even if remuneration were offered.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): That is a very ingenious argument advanced by a lawyer. Probably they have reasons to think that this Council will not grant the demand. Therefore, in order to forestall us they might have said that, and they might have said that as an emphatic way of showing their disapproval.

PRESIDENT: Your suggestion has been adopted by Government and there is the answer.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Yes. But the answer is not satisfactory. It is not reasonable. If a Sirkar Vakil is asked to go to the General Hospital and inspect the patients, he may refuse, but not when he is asked to appear in a case for the Sirkar before the Income Tax Commissioner whose office is in the same building as the High Court; and it is well-known that the Head Sirkar Vakil and the Assistant Sirkar Vakils are not groaning under too much work. I take full responsibility for saying that. I think, Sir, that

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they will not be overworked if they have to appear before the Income Tax Commissioner.

PRESIDENT: You forget that they are not full-time officers of Government.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I quite see that argument. It is for that reason that I said that the agreements might be modified.

MR. A. HOOGEWERF (*Nominated*): I also oppose the motion. My first objection is the financial aspect of the question. While we are using the axe all round, I do not think we should add to our financial burdens. Fifty rupees has to be paid to the Sirkar Vakil if he is to appear before the Commissioner in one case.

My second objection is that, if the Revenue Commissioner should have a Sirkar Vakil to-day to direct him and help him and so on, to-morrow the Conservator of Forests and the Excise Commissioner who also have to deal with fiscal cases may ask the Sirkar Vakil to help them.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I ask Mr. Hoogewerf whether they are acting judicially when they are dealing with a case?

MR. A. HOOGEWERF (*Nominated*): *Quasi*-judicially. The fiscal cases are decided by the Government. Revenue cases are different from civil or criminal cases. There, the judge sits with a clean mind absolutely, and the prosecution side and the defence side argue the case; everything is put before the judge or the magistrate. But the revenue officer has the whole file before him, chapter and verse, and it passes through, as Mr. Robinson himself has said, several strata—the Tahsildar, the Dewan Peishkar;—and at the last stage it comes to him. Further, it has two other stages. If he has any difficulty, he has only to refer to the Sirkar Vakil to clear his doubts. I am not quite sure about the income tax law. I do not know whether there is not even an appeal to the Dewan himself.

PRESIDENT: There is none.

MR. A. HOOGEWERF (*Nominated*): Whatever it is, as said by Mr. Robinson, the cases may be referred to the High Court, so that there is no difficulty.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I ask Mr. Hoogewerf what Section he quotes for saying this?

MR. A. HOOGEWERF (*Nominated*): Mr. Robinson himself has been mentioning the Section. I caught the idea from what he said. (*Laughter.*) I believe it is Section 50 or 21. I knew nothing about it before. All difficult cases may be referred to the High Court. Then there is no difficulty whatever, and if the Sirkar Vakil comes before the Revenue Commissioner to help him, he will go slack. If he wants the Sirkar Vakil to put the case before him, he will not learn up the file properly. He represents the other side. He learns up the whole case

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[Mr. M. R. Madhava Variar.]

and is in a position to see both sides of it, if he keeps an open mind. To the vakil or the party who comes before him, he may be able to stand up both as a judge and as a representative of the Sirkar in the case.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I ask Mr Hoogewerf whether he is talking from experience or whether he presumes?

MR. A. HOOGEWERF (*Nominated*): I talk from common sense. (*Laughter.*)

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Common sense based upon what?

MR. A. HOOGEWERF (*Nominated*): Based on sound thinking. (*Laughter.*)

PRESIDENT: The time is up.

MR. A. HOOGEWERF (*Nominated*): If the Revenue Commissioner wants a Sirkar Vakil to appear, the Dewan Peishkar also will require him to appear when he has to deal with a case. For all these things and—I have got a great deal more to say, but the time is up—I strongly oppose the motion.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Sir, I too oppose the demand; and I do so on two grounds. Firstly, I agree with Mr. P. K. Narayana Pillai in thinking that the Income Tax Commissioner is not empowered by the Regulation to hear Sirkar Vakils under Sections 21 and 22. Secondly, even if he has got the power to hear Sirkar Vakils, it is not fair to pay any additional remuneration to the Sirkar Vakils who are already receiving remuneration from the Government, for representing the Government. Mr. Robinson was saying that, when he was confronted with complex questions of fact and law, he had necessarily to hear Sirkar Vakils for the ends of justice. But Section 20 of the Income Tax Regulation says that, when the collector has determined any sum to be payable by an assessee, the assessee can object to the amount or rate at which he is assessed and put in a petition to the Income Tax Commissioner. When he is putting in a petition to the Income Tax Commissioner objecting to the amount or rate at which he is assessed, I think the Income Tax Commissioner will not be confronted with many complex questions of facts. Even if facts are a little complicated, I think his subordinates will be able to enlighten him with regard to those facts more than the Sirkar Vakils.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Suppose a person lives in the Tinnevelly District and he is assessed to income tax in Trivandrum, will there not be a question of law with respect to some aspects of his liability?

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): First of all, I am referring to questions of fact.

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MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*) : Are not questions of law and fact intimately connected ?

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*) : Yes. When the Income Tax Commissioner has got any doubts with regard to questions of law, he can refer the matter to the High Court. The Income Tax Commissioner is expected to study the Income Tax Regulation very well and he will have doubts and difficulties only very rarely ; and when he has got them, he can refer the matter to the High Court for the interpretation of the Rules and the Regulation.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*) : When does the question of doubt come in ? Is it not *after* hearing the case ?

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): After understanding the case.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Before we come to an understanding, should we not be in possession of arguments for both sides ?

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*) : He must be able to understand the whole case, the facts and the law, and if he feels any doubt with regard to the interpretation of any rule, he must refer the matter.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*) : Does not a question of doubt often arise only after hearing the case, and when it is a question of how to decide ?

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*) : I think the doubt may arise when the petitioner has not represented the matter fairly.

MR. S. C. H ROBINSON (*Land Revenue and Income Tax Commissioner*) : Is the Commissioner not allowed to have any doubts about the rights of Government ?

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*) : He is an officer of Government and he is expected to know the rights of Government also. There will not be many complex questions of fact ; and even if there are complex questions of law, they must be settled by the High Court. If he decides any question by hearing the legal opinions of the Sirkar Vakils, they may not be fair. People will have more confidence in the opinions of the High Court than the legal opinion of the Sirkar Vakils.

Then with regard to the second point, whether any additional remuneration is to be paid to the Sirkar Vakils, I am practically of the opinion that it should not be paid. Recently a custom has cropped up in the Head Sirkar Vakil's Department that, when vakils are deputed in certain cases, they are paid additional remuneration, and Mr. Robinson said that the Head Sirkar Vakil and the Sirkar Vakils were not full-time servants.

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[Rao Bahadur K. A. Krishna Aiyangar.]

PRESIDENT: By way of correction, I may point out to you that the practice is not recent.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): It may not be recent; but it was not general in the past.

PRESIDENT: That is a different matter.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): It is not recent but is only general in certain cases, when the Government have been pleased to pay additional remuneration to certain individuals. And even if it is not recent, I say that a general rule should not be allowed to continue when the Sirkar Vakils are paid decently. So I oppose the demand.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I must decline to believe that my friend Mr. Narayana Pillai was serious when he opposed the grant for the purchase of books. He based his objection on the ground that books, if supplied, were likely to confound the collectors who had to deal with the claims urged by the assessees before them. If that argument is really sound, I wish very much he could put it into practice himself and once for all stop the practice of getting down valuable commentaries (*laughter*)—English, Indian and American. If this House is going to accept that theory as having anything at the bottom of it,—

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Have all the income tax officers got the necessary legal training?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): That is just the reason why they must be supplied with suitable reference books, so that they may at least study.

I take it, Sir, that the High Court is manned by a number of judicial experts who have had considerable experience in sifting facts, and in elucidating complicated questions of facts and law. Yet we think it necessary to supply the High Court with a very costly library. The law officers of the Crown are provided with a very costly law library. Each practising member of the bar thinks that, if he is to do his duty well and satisfactorily, he must arm himself with commentaries not merely on the Statutes that are now in force but unrepealed Statutes also so that, as a student of law, he might have an analysis, as it were, of the different stages and the circumstances which led to the various legislative changes. So, if this House is going to accept my friend's contention, once for all we can do away with all grants for the supply of books to the High Court and to the different departments which are to administer justice, putting into their hands a copy of the unrepealed Regulations. There we should stop. Probably as one who has been very long in the profession and who necessarily feels the burden of it, I should wish very much that towards the fag end of one's life at the bar one is not called upon to wade through a number of reports—Indian, English and American—and that for the sake of the practitioner the

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Judge be required to dispose of it by reading the bare enactment that the legislature issues. It is, therefore, I said that I must decline to believe that my friend was very serious when he objected to that particular book.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): My suggestion was that it should be done at a proper time.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): There I agree with him. But, is it an argument for not rectifying the omission that the book should have been supplied earlier, ever since the officers were required to do work under the Income Tax Regulation? So, as I submitted, I must decline to believe, even if my friend is going to contradict me, that he was very serious when he objected to the supply of books to the officers who have to do their duty at considerable disadvantage, without that guidance and support which an intelligent and responsible bar often-times places at the disposal of the deciding officer.

Sir, I would just submit that, if this demand is to be put to the vote, it would be desirable to split it up into two parts and to take votes on each item separately.

Passing on to the second item, I wish very much that the House will accept the views put forward by my friends that Sirkar Vakils need not appear before the Income Tax Officer (*Hear, hear*); only the consequence will be something very disastrous. I know one instance in which the Government had to pay Rs. 50 to the Sirkar Vakil. That Sirkar Vakil appeared and pressed the case on behalf of the Government. Another gentleman of the bar of considerable standing appeared on behalf of the other side and he got Rs. 500 from his client. He lost the case and the Sirkar won it and the cost to Government if it resorted to employing such men would come to several thousands of rupees. This House certainly is not the body to determine the legality of the practice under which Sirkar Vakils appear before the Income Tax Commissioner; and this House will be taking up a very serious responsibility on itself if it comes to the conclusion that the practice of deputing Sirkar Vakils is illegal---as I understand the word, something that is prohibited by law being illegal. I am not aware of any legal prohibition in this matter. It is not a question on which the House is to come to a conclusion by comparing the relative merits of the arguments put forward by my friend and myself; I go further and say that this House is not the authority to question the legality of deputing Sirkar Vakils. This House is competent to consider the desirability of asking the Sirkar Vakils to appear before the commissioner as a question of policy and expediency.

MR. A. HOOGEWERF (*Nominated*): I beg to know whether the case that he referred to is an important case—Rs. 500 *versus* Rs. 50—and whether it was that that decided the case in favour of the Government?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Yes. As a member of the bar I believe proper presentation influences the result a good deal, and consistent with that

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[Rao Bahadur K. A. Krishna Aiyangar.]

view, I should take it that the Sirkar won it because there was a trained lawyer to place the legal aspects of a complicated question before the Commissioner enabling him to arrive at what he considered to be a sound conclusion. I should not be understood as suggesting that the questions urged are always sound. We have to assume that they are sound. I take it that, in that particular case, it was to the advantage of the general tax-payer that a considerable addition was made to the revenue under "Taxes on Income" by the accident of a particular Sirkar Vakil having been deputed to place before the deciding authority the particular aspect of a certain question. I have very great sympathy with Mr. Robinson when he piteously appeals to this House: "Am I not a Judge? Am I to form conclusions in advance?" But unfortunately the spirit of legislation in dealing with matters fiscal seems to be to vest a certain amount of arbitrary power under a judicial cloak in revenue officers for the speedy administration of revenue. That, I suppose, is the situation in respect of revenue laws generally. Mr. Robinson will fall under that category. It is no doubt desirable, if it is not illegal, if it is not prohibited by Statute that, whenever the Revenue Commissioner feels the necessity for the help of a trained lawyer to represent any particular view of a case, the Government should give him the necessary assistance.

As regards the more general question whether Sirkar Vakils ought to do the work without asking for any remuneration, or whether the Sirkar Vakils should do it as part of their work, I submit it raises a very broad question. Some friends, no doubt, said that they were not full-time public servants, and the analogy of a particular executive officer being asked to do the very same work for the very same remuneration even though there might be an increase in the number of files he had to dispose of, would not apply to the case of Sirkar Vakils. Are all of us prepared to recognise the correctness of the plea that was put forward? Then, my friend Mr. Velu Pillai appealed to their sense of patriotism to do the work out of love of country.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I did not say that.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I understood my friend to say that, if they were properly approached, they would be willing to do the work. I have no quarrel with that. If my friends who are members of the Council are prepared to do the work free of remuneration, I should welcome it and thank them for doing so much service to the State without sending in a bill for payment. That necessarily assumes that new understandings have to be arrived at with the Sirkar Vakils under which, rightly or wrongly, once for all, they must undertake to do all the legal work of Government and not ask Government for extra payment. It is a matter of understanding and I have no doubt that that suggestion of my friend will be borne in mind when recruiting Sirkar Vakils in

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future. But with reference to the work done already, I take it that it is a matter of engagement. Having got the work out of one who is not bound to do it and having had the benefit of it, in fairness the particular demand laid before the Council by Mr. Robinson should be acceeded to without further controversy.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I rise to oppose that portion of the demand which refers to the payment of Sirkar Vakils for appearing before the Income Tax Commissioner. It appears to me that it is quite unnecessary to pay Sirkar Vakils if they are to appear before the Income Tax Commissioner. Supposing Mr. Robinson takes up an income tax case and sends it for the opinion of the Sirkar Vakil, the Sirkar Vakil is certainly bound to give his opinion. Supposing again under the provision of the Income Tax Regulation, Mr. Robinson referred the case in which he required the assistance of the Sirkar Vakil to the High Court, the Sirkar Vakil would be required to appear before the High Court. If that is so, I ask what difference it makes in the work of the Sirkar Vakil. If, instead of answering references or appearing in the High Court, he is asked by Mr. Robinson to appear before himself and to render such assistance as he is capable of, it makes no difference. Then probably it is a question of the dignity of a Sirkar Vakil. I do not think that it is such as should be paid for when he is required to appear before the Income Tax Commissioner.

Another ground upon which I object to this grant is that it is repeatedly suggested in this House that there are more Sirkar Vakils than are necessary for the work they are required to do. If that is so, it should be possible for Government to depute one of the Assistant Sirkar Vakils to do such miscellaneous work as arguing Income Tax cases and so forth without additional payment and for that purpose he must be relieved of so much of other work in the High Court.

It has also been suggested that the terms of appointment of the Sirkar Vakil do not include appearances in other courts than in the High Court. The order of appointment is not placed before the House and I am yet to know of any covenant that the Government have entered into with the Sirkar Vakil by which he is compellable only to appear before the High Court and not bound to help the Government with his advice before other legal tribunals. Secondly, it appears to me that even granting that there is a covenant, there are more Sirkar Vakils than are needed. One may be dispensed with and another appointed on condition that he would appear not only in the High Court but also before the Income Tax Commissioner and other officers who require the assistance of Sirkar Vakils for revenue appeals before them. It is, therefore, quite unnecessary to spend the money of the tax-payer for the payment of fees to the Sirkar Vakils for such appearances.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): On what grounds does he say that the Sirkar Vakils have got spare time and have not sufficient work?

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[President.]

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): That has been expressed in this House last year during the budget session and it was also the general impression. It has not been answered yet.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Are there no grounds for making that statement?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I also, as a vakil, know what amount of work is being turned out by the Sirkar Vakils in the Court. The Head Sirkar Vakil and the Assistant Sirkar Vakils, of whom there are two, appear very rarely at the Court. All the Sirkar Vakils jointly do not turn out even as much work as an ordinary practitioner having average work does.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): But have they no other work, such as going through the records of many offices?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): They may have. I do not deny that they may have.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): In that case, is it fair to say that they have not got sufficient work?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): They have got sufficient spare time—that is my impression. A further objection taken is that the terms of their appointment do not include appearance outside.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): In the absence of specified terms, is it fair to say what they should do?

PRESIDENT: It is a matter of inference.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Government were asked for the covenant, and it was not placed before the Finance Committee.

On these grounds, I object to that part of the motion which has reference to the payment of vakils' fee.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I do not think the matter requires anything more to be said. Mr. Krishna Aiyangar and Mr. Velu Pillai have put the matter very clearly. They have cut Mr. Narayana Pillai's arguments into pieces. (*Laughter.*) About the revising of the Income Tax Regulation—

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether the Income Tax Regulation is a self-contained Regulation?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Not in all respects.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I supported Mr. Robinson only with regard to a part of the demand.

PRESIDENT: He is not referring to that.

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MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*) : But he cut the other part of Mr. Narayana Pillai's arguments into pieces. I think the House has accepted the principle and the question is only a matter of contract or agreement. We should in fairness meet the obligations we have incurred. I think, in justice, the House will allow the grant.

With regard to the grant for the purchase of books, I may say that it is very necessary, and Mr. Krishna Aiyangar has also supported the same. I think the House will sanction the grant.

PRESIDENT: I am afraid it is not possible to split up the motion into two.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): There is a separate provision of Rs. 504 for purchase of books.

PRESIDENT: Then I shall place the two parts of this motion separately.

The question is that a sum of Rs. 504 be sanctioned for the purchase of forty-two copies of Mr. P. Doraswami Aiyangar's *Law of Income Tax* for use in the offices of the collectors of income tax.

The motion was carried.

PRESIDENT: The second part of the motion is that a sum of Rs. 1,000 be granted for payment to the Assistant Head Sirkar Vakils for their work in appearing before the Income Tax Commissioner for arguing difficult income tax cases.

The motion was declared carried, 20 voting *for* and 18 *against*.

MR. M. N. PILLAI (*Trivandrum*): I demand a poll.

A poll was taken with the following result:—

AYES—20.

1. Mr. I. C. Chacko.
2. ,, R. Dhanukoti Pillai.
3. ,, P. V. Daniel.
4. ,, K. George.
5. Rao. Bahadur K. A. Krishna Aiyangar.
6. Mr. R. K. Krishna Pillai.
7. ,, R. Krishna Pillai.
8. ,, T. Lakshmana Pillai.
9. ,, John Mackie.
10. ,, K. V. Natesa Aiyar.
11. Mr. K. Paramesvaran Pillai. (*Ag. Director of Agriculture.*)
12. ,, S. Paramesvara Aiyar.
13. ,, P. Paramesvaran.
14. Dr. S. T. Ponnuswami Pillai.
15. Mr. M. Raja Raja Varma.
16. Rao Bahadur K. V. Rangaswami Aiyangar.
17. Mr. S. C. H. Robinson.
18. ,, J. Stephenson.
19. ,, V. Subba Aiyar.
20. ,, A. J. Van Ross.

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[Mr. K. George.]

NOES—18.

1. Mr. L. R. Raja Raja Varma Koil Tampuran.	10. Mr. K. Paramesvaran Pillai. (*Tiruvalla.*)
2. ,, T. K. Velu Pillai.	11. ,, T. Kumara Pillai.
3. ,, P. T. Thomas.	12. ,, V. Kunjukrishna Pillai.
4. ,, N. Ramakrishna Pillai.	13. ,, C. P. Kochukunju Pillai.
5. The Rev. Fr. Kuriakose Vettikkapalli.	14. ,, M. K. Khadir Pillai.
6. Mr. M. R. Madhava Variar.	15. ,, A. Hoogewerf.
7. ,, P. K. Narayana Pillai.	16. ,, A. Govinda Menon.
8. ,, M. N. Pillai.	17. ,, T. M. Chidambaratanu Pillai.
9. ,, Joseph Panjikaran.	18. ,, S. Adam Sait.

The motion was declared carried.

DEMAND VII.—GENERAL ADMINISTRATION, SECRETARIAT, etc.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Sir, I beg to move for a grant not exceeding Rs. 5,000 for payment of travelling allowance to the non-official members of the Legislative Council. The allotment provided for the purpose in the year's budget was Rs. 12,000. Out of this, a portion, *viz.*, Rs. 3,356, was spent for payment of the bills of 1098 and the balance for payment of the bills of the current year, and thus the whole allotment has been exhausted. Including this, there will be two more meetings of the Council this year and the expenditure on account of travelling allowance to the non-official members in connection with these meetings is estimated at Rs. 5,000. Hence this amount has to be sanctioned as a supplementary grant.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I ask why the amount under "Travelling Allowance to members" was not correctly calculated at the time of the budget?

PRESIDENT: We have had a number of select committee meetings. Besides, we are having four meetings of the Council instead of three.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The revised estimate for 1098 was Rs. 17,000. If the additional sum of Rs. 5,000 now asked for is sanctioned, the total allotment will come to Rs. 17,000 only.

PRESIDENT: May I take it that the House sanctions the demand?

The grant was made.

DEMAND VIII.—GENERAL ADMINISTRATION, ACCOUNT OFFICE.

MR. K. GEORGE (*Financial Secretary to Government*): Sir, I beg to move for a grant not exceeding Rs. 750 under Demand VIII—General Administration—Account Office. This is to meet the pay

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